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| 09/764,121   | 01/19/2001  | John Friedenfelds    | 2925-0474P          | 8113             |
| 30594  | 7590        | 10/06/2003           | EXAMINER            |                  |
| HARNESSE, DICKEY & PIERCE, P.L.C.<br>P.O. BOX 8910<br>RESTON, VA 20195 |             |                      | PEREZ, JULIO R      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2681                |                  |
| DATE MAILED: 10/06/2003  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/764,121

Applicant(s)

FRIEDENFELDS ET AL.

Examiner

Julio R Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 rejected under 35 U.S.C. 102(b) as being anticipated by Boltz et al. (6,233,445).

Regarding claims 1 and 2, Boltz et al. disclose a method of performing a predetermined action on wireless calls, comprising: receiving a wireless call (Col. 3, lines 21-29); determining if the wireless call originates from a defined area (which is in correspondence to the mobile system able to ascertain the approximate geographic location (defined area) or area of the mobile station; (col. 5, lines 22-24); and performing a predetermined action (screening the calls), (col. 5, lines 21-24) on the wireless call if the determining step determines that the wireless call originates from the defined area (an emergency or incident area; col. 3, lines 21-29).

Regarding claim 3, Boltz et al. disclose the method further comprising: receiving instructions to initiate screening (col. 5, lines 22-25), said instructions indicating the defined area (col. 21-29 and col. 2, lines 66-67 through col. 3, lines 1-3); and performing the determining and screening steps in response to the received Instructions (because of the screening of emergency call connections, valuable trunk connections are not seized for redundancy; col. 5, lines 21-24).

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Regarding claim 4, Boltz et al. disclose the method wherein <sup>✓</sup>the receiving station <sup>✓</sup>receives an emergency call (a call is received over the air by the base transceiver station (BTS, 30) associated with the requesting mobile station <sup>✓</sup>((10); col. 2, lines 44-53); and the receiving instructions step receives instructions from a Public Safety Answering Point (a call connection with the PSAP (20) over the relevant trunk connection is effectuated; col. 4, lines 24-28).

Regarding claim 5, Boltz et al. disclose a method further comprising: receiving instructions to disable the determining and screening steps (the mobile station may end up the emergency call connection or consider to be transferred to a PSAP; col. 1, lines 56-62).

Regarding claim 6, Boltz et al. disclose a method wherein the instructions further indicate a period of time to perform screening (a message may be generated for a predetermined amount of time or until the PSAP instructs differently); and the determining and screening steps are performed from the period of time (col. 5, lines 26-29).

Regarding claim 7, Boltz et al. disclose the method wherein the screening step comprises: connecting the wireless call with an audio message ( if the call is an emergency call coming the same incident location, module (230) instructs its associated announcement machine 250 to play an appropriate message; col. 5, lines 8-12).

Regarding claim 8, Boltz et al. disclose the method wherein the screening step further comprises: connecting the wireless call to a predetermined

destination after a predetermined period of time elapses from completion of the audio message (the mobile station may choose to listen to the recorded message or terminate the call or be connected to the next available operator; col. 5, lines 12-24).

Regarding claim 9, Boltz et al. further disclose comprising: receiving second instructions with a new defined area (incident area) to use in the screening step (the serving MSC/VLR (40/35) initially determines whether the second call is coming from approximately the same incident area; col. 5, lines 1-8).

Regarding claim 10, Boltz et al. disclose the method wherein the screening step comprises: connecting the wireless call with an audio message (col. 4, lines 39-44).

Regarding claim 11, Boltz et al. disclose the method wherein the screening step further comprises: connecting the wireless call to a predetermined destination (the PSAP) after a predetermined period of time elapses from completion of the audio message (col. 4, lines 44-51).

Regarding claim 12, Boltz et al. disclose the method further comprising: initiating the determining and screening steps when a number of wireless calls originate within a predetermined distance of one another are received (a further determination is made to decide if another call came from the same predetermined distance; col. 1, lines 53-56 and col. 4, 21-24).

Regarding claim 13, Boltz et al. disclose the method wherein the initiating step initiates the determining and screening steps when the number of wireless calls located within the predetermined distance of one another are received within a predetermined period of time (announcement messages or unstructured data transmission are communicated only after a threshold number of emergency call connections are received from the same incident location; col. 1, lines 56-62, and col. 2, lines 7-11 and col. 5, lines 26-29).

Regarding claim 14, Boltz et al. disclose the method wherein the period of time varies depending on a location of origination for the number of wireless calls (col. 5, lines 26-29).

Regarding claim 15, Boltz et al. disclose the method wherein the number of wireless calls varies depending on a location of origination for the number of calls (other calls may be originated from the emergency location towards the PSAP (20); col. 4, lines 21-24).

Regarding claim 16, Boltz et al. disclose the method wherein the predetermined distance varies depending on a location of origination for the number of wireless calls (col. 5, lines 18-22).

Regarding claim 17, Boltz et al. disclose the method wherein the screening step comprises: connecting the wireless call with an audio message (such message informs the subscriber that an incident from the approximately the same location has been reported; col. 4, lines 35-46).

Regarding claim 18, Boltz et al. disclose the method wherein the receiving a wireless call step receives an emergency call (an emergency call is received by a mobile switching center (MSC) serving a particular mobile station; col. 1, lines 49-51 and col. 63-66).

Regarding claim 19, Boltz et al. disclose a method of performing a predetermined action (screening; col. 5, lines 18-24) on wireless calls, comprising: receiving a wireless call; determining whether the received wireless call falls within a class of wireless calls (a determination is made to whether another call came from the same emergency location; col. 1, lines 53-55); and performing a predetermined action (screening) on the received wireless call when the determining step determines that the received wireless call falls within the class of wireless calls (col. 1, lines 49-56).

Regarding claim 20, Boltz et al. disclose the method further comprising: establishing the class of wireless calls (a determination is made of the current location of the mobile station requesting the emergency; col. 1, lines 49-51).

Regarding claim 21, Boltz et al. disclose the method of wherein the predetermined action is screening the received wireless call (the first application module 230 associated with the serving MSC/VLR 40/35 initially determines whether the second emergency call (screening the call) connection request is coming from approximately the same geographic area; col. 1, lines 51-56 and col. 5, lines 4-8).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to locating mobile stations positions during cellular communication.

US Pat. N0. 5,960,341 to LeBlanc et al. A method for use in a wireless communication  
System.

US Pat. N0. 5,926,133 to Green, Jr. A system for determining the location of  
portable communication devises.

US Pat. N0. 5,596,625 to LeBlanc. Method for routing enhanced (E-911) calls.

US Pat. N0. 6,115,596 to Raith et al. Methods for handling emergency calls.

US Pat. N0. 6,529,722 to Heinrich et al. System and method for enhanced 9-1-1  
address development and cal routing.

US pat. N0. 5,930,713 to Nguyen A system and method for conveying mobile  
Station position information.

US Pat. N0. 6,138,026 to Irvin A method for locating a mobile communication  
device.

US pat. N0. 6,035,187 to Franza A method for improved emergency call box.

US Pat. N0. 5,570,412 to LeBlanc A system for updating a location databank of a  
personal location system in wireless  
communications.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

JP  
9/29/03

  
SINH TRAN  
PRIMARY EXAMINER